

Minutes
Cosmetology/Barber, Esthetician, Electrology Nail Technology Licensing Board
December 4, 2006
Room 474
160 E 300 S
Heber Wells Building
Salt Lake City Utah

Convened: 9:02 a.m.

Adjourned: 12:56 p.m.

Division Staff Present:

Division Director
Commerce Deputy Director
DOPL Investigator Supervisor
DOPL Investigator
Bureau Manager
Board Secretary

J. Craig Jackson
Thad LeVar
Robert T. Downward
Pamela Bennett
Daniel T. Jones
Lee Avery

Members Present:

Monica Bruin, Chairperson
Marti Frasier
Fran Brown
Ruth Ann Holloway
Lenette Johnson-Casper
Shauna Fox
Lyle Ferguson
Dianne Niebuhr

Members Excused:

Debbie Fox, resigned

Guests:

Anneli Johnson
Jalaine Hansen
Livia Baker
Sheena Caldwell
Debra Nelson
Curtis Maughan
Maxine Maughan
Christine Heatman
J.M.
Kurt Robinson
Leesa Myers
Jill Dewitt
JoAnn Matern
Deborah May
Penny Romero
Angela Tanner
Don Ajer

Susie Ajer
Richard Ajer
Candice Caudel
Nanette Downer
Bette Bobka
Jerry Harwood
Brenda Hines
Rickie Mehl
Kimberly Wells
Andrea Jimmie
Brook Ercanbrack
Shannon Mechling

TOPIC FOR DISCUSSION

Minutes

DECISIONS & RECOMMENDATIONS

Minutes for September 11, 2006 were reviewed.
Ms. Brown motioned to approve the minutes with changes, seconded by Ms. Frasier. The motion carried unanimously.

Business from Previous Meeting:

Public and Open Meetings Act
Presentation, Daniel T. Jones

Mr. Jones requested this be tabled to the next Board meeting.

Curriculum for Transfer Students – Ms.
Brenda Scharman

Ms. Scharman advised the Board the School Owners Association has expressed concerns regarding students coming in from other states meet the same requirements as the Utah students. To either require them to obtain 600 hrs in Esthetics and 200 in Nails or to remove the specific hour requirement from the School curriculum.

After a detailed discussion, Ms. Brown motioned to have a committee study the hour requirement and meet with the Board at its next meeting regarding the affect this will have on the profession as a whole, seconded by Ms. Holloway. The motion carried unanimously.

Ms. Bruin circulated a signup list for those who volunteer to work on this committee.

Those who have signed up to date are:

Ms. Monica Bruin

Marti Frasier

Diane Niebuhr

Lyle Ferguson

Lenette Casper

Anneli Johnson

RuthAnn Holloway

Appointments:

Andrea Jimmie – Probation Interview

Ms. Jimmie presented herself to the Board. Ms. Holloway conducted the interview. Ms. Jimmie advised the Board her court probation has ended and will obtain written documentation regarding this. Ms. Jimmie stated her license was placed on probation because of substance abuse charges. She is still doing drug testing through project reality. After talking with Ms. Jimmie the Board asked to see her in March 2007. **In Compliance**

Discussion:

Mr. Jones briefly advised the Board Ms. Debbie Fox has resigned from the Board as an Electrologist. Mr. Jones encouraged anyone licensed as an Electrologist, wanting to sit on the Board, to submit a resume to the Division

The amount of time it takes to issue a license – Mr. Daniel Jones

Mr. Jones briefly reviewed with the Board the increase of applications and applications and because of the workload it takes a minimum of 30 working days to process a completed application. Mr. Jones briefly reviewed the problems with incomplete applications.

Jenny Murray – New Probation Interview

Jenny Murray presented herself to the Board. Ms. Brown conducted the interview. Ms. Murray advised

the Board she is currently in drug court. The Board reviewed the Stipulation with Ms. Murray. Ms. Murray stated she has completed the evaluation through drug court and is drug tested three (3) times a week. She sees a counselor once a week and group four (4) times a week. This has been going on since March 2006. Ms. Murray expressed concerns with the requirements of only being able to practice with an on site supervisor and the problems this has caused. After a brief discussion, the Board recommended Mr. Jones amend Ms. Murray's stipulation to indirect supervision. Mr. Jones noted her probation with the Division is 9/26/06 to 9/26/11. Ms. Murray gave the Board letters from her physician and urine analysis (UA) results. The Board asked to see Ms. Murray in March 2007.

Julie Stumphy – New Probation Interview

Ms. Stumphy failed to keep her appointment with the Board. **Not in Compliance**

Stephanie Gammell – Probation Interview

Ms. Gammell failed to keep her appointment with the Board. **Not in Compliance**

Ruth Ann Griffiths – Probation Interview

Ms. Griffiths failed to keep her appointment with the Board. **Not in Compliance**

**Ms. Kandy Johnson - Request
Reinstatement License**

Ms. Johnson presented herself to the Board. Mr. Jones advised the Board Ms. Johnson is before it to request reinstatement of her Cosmetology/Barber license that was on probation when she moved out of state and let it expire. Ms. Johnson advised the Board she was on criminal probation for two (2) years and has successfully completed this. Her professional license was placed on probation October 12, 2003 for two (2) years. When she left Utah she did not work in this profession. After talking with

Ms. Johnson in detail and reviewing the Board options, Ms. Frasier motioned to reinstate Ms. Johnson's probationary license, seconded by Ms. Casper. The vote 8 for the motion, one opposed. The motion carried.

DISCUSSION:

Concern regarding testing

The Board briefly talked about the many problems with the testing agency regarding students who drive to Ogden to test and are on the testing roster, however, have forgotten to bring their admissions letter. They used to be able to fill out a blank admissions letter and let the student test, however, recently this was changed. Mr. Jones stated this change was not at the State's request, it is unknown where the request for the change came from and he will contact Mr. Jeff Barber with the testing agency with concerns.

New Nail Technology Book- Ms. Monica Bruin

Ms. Bruin expressed a concern with the Nail Technology book and the exam being updated with the information in the new book. Mr. Jones stated the changes usually happen in October. It was noted there have been problems with this book and it is being recalled, however, the changes in the exam will be minimal. The Board briefly talked about the exam, the updates and reviewing the exam questions in 2007.

Lymphatic Drainage – Ms. RuthAnn Holloway

Ms. Holloway expressed concern regarding the proposed statutes. The Lymphatic Drainage hourly education and experience requirement had been changed from what was agreed too. Ms. Holloway reviewed current statutes and noted the proposed statutes had changed the education and experience requirement. The Board discussed this in detail Ms. Casper motioned to compromise by changing the

rules to have one hundred (100) hours of practical, forty (40) hours of theory and sixty (60) hours for the schools to customize, seconded by Ms. Holloway. After further discussion, Ms. Brown motioned to amend the previous motion to seventy (70) applications, forty (40) anatomy physiology, theory, seventy (70) treatment of one (1) hour each, ninety (90) elective, seconded by Ms. Frasier. After further discussion a vote on the amended motion resulted in Seven (7) for the above changes, one (1) oppose. The motion carried. Mr. Jones stated the schools will be responsible to show they are teaching the 200 hours of Lymphatic at the next renewal audit. Ms. Brown motioned to amend the motion, seconded by Mr. Ferguson. The motion carried unanimously.

Discussion: Mr. Jones advised the Board the new rule will become effective January 10, 2007. There will not be a hearing unless requested.

Cut It Out Program – Catherine Higgins,
State Attorney Generals Office

Ms. Higgins updated the Board regarding the Cut It Out Program being sponsored by the Utah County Attorney's office, National Cosmetology Association and Clairol. Ms. Higgins stated there are professionals willing to train salon professionals in how to help a client with domestic abuse issues. Ms. Higgins also stated this training can be done in English and Spanish. Ms. Higgins left current flyers for those interested.

Lymphatic Drainage Instructors – Ruth
Ann Holloway

Mr. Jones reviewed current license requirements regarding esthetician instructors and briefly reviewed the proposed rule change regarding instructors. After discussing several concerns in detail, Ms. Brown motioned to table this discussion until the Board meeting in March 2007, seconded by Ms. Holloway. The motion carried unanimously.

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Board Vacancies – Mr. Daniel T. Jones

Mr. Jones advised the Board the Division will wait until July 07 to replace Ms. Debbie Fox, the Electrology representative on the Board.

Application Review – Mr. Daniel T. Jones

The application for reinstatement submitted by Ms. Lillian Cruz was reviewed and tabled for another meeting.

Discussion:

Discussion:

The Board discussed concerns regarding the use of stone therapy by Master Estheticians. Mr. Jones reviewed the rule R156-11a-611. After further discussion, the Board noted as long as this is being done for cosmetic purposes and not for treatment or medical, physical or mental ailments its ok for the Master Esthetician to use this modality. Ms. Frasier motioned to adjourn at 12:56.

Next Board Meeting

Board meetings for 2007 have been scheduled June 4, September 12, December 3. Conference rooms to be announced.

June 11, 2007

Date Approved

(ss) Monica Bruin

Chairperson, Cosmetology/Barber, Esthetician,
Electrology/Nail Technology Licensing Board

June 11, 2007

Date Approved

(ss) Daniel T. Jones

Bureau Manager, Div. of Occupational &
Professional Licensing